

Thomas L. Simek (DC Bar #57268)  
 Anthony C. Biagioli (MO Bar # 72434)  
 Attorneys for Plaintiff  
 COMMODITY FUTURES TRADING COMMISSION  
 2600 Grand Boulevard, Suite 210  
 Kansas City, MO 64108  
 Telephone: (816) 960-7700  
 tsimek@cftc.gov  
 abiagioli@cftc.gov

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

Commodity Futures Trading Commission,  
  
 Plaintiff,  
  
 v.  
  
 Ooki DAO (formerly d/b/a bZx DAO), an  
 unincorporated association,  
  
 Defendant.

**CIVIL ACTION NO: 3:22-cv-05416-  
 WHO**

**Hon. William H. Orrick**

**PLAINTIFF’S RESPONSE TO  
 MOTION FOR LEAVE TO FILE  
 AMICUS CURIAE BRIEF OF  
 ANDREESSEN HOROWITZ AND FOR  
 LEAVE TO PARTICIPATE IN  
 UPCOMING HEARING**

Hearing Date: November 30, 2022  
 Hearing Time: 2:00 PM  
 Courtroom: 2

Plaintiff Commodity Futures Trading Commission (“CFTC”) hereby responds to the Motion for Leave To File *Amicus Curiae* Brief of Andreessen Horowitz and for Leave To Participate in Upcoming Hearing (ECF No. 45). The CFTC does not oppose Andreessen Horowitz's request to file an *amicus* brief and participate in the upcoming hearing; however, in light of the additional arguments raised in the brief, the CFTC requests one additional week

1 (until November 14, instead of November 7) to file a consolidated opposition to all four *amicus*  
2 briefs and a corresponding extension of the *amici* reply deadline to November 21.

3  
4 Dated: November 1, 2022

Respectfully submitted,

5  
6 **COMMODITY FUTURES TRADING  
COMMISSION**

7  
8 By: /s/ Anthony C. Biagioli  
9 Tom Simek (DC Bar # 57268), tsimek@cftc.gov  
10 TRIAL COUNSEL  
11 Anthony C. Biagioli (MO Bar # 72434),  
12 abiagioli@cftc.gov  
13 Attorneys for Plaintiff  
14 COMMODITY FUTURES TRADING  
15 COMMISSION  
16 2600 Grand Boulevard, Suite 210  
17 Kansas City, MO 64108  
18 (816) 960-7700  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Certificate of Service**

I hereby certify that on November 1, 2022, I caused a copy of the foregoing to be filed with the Clerk of the Court via the CM/ECF system as well as provided to the Defendant Ooki DAO through the Ooki DAO's Help Chat Box on the Ooki DAO website as well as by posting the foregoing to the Ooki DAO's Online Forum.

In addition, I caused a copy of the foregoing to be provided to counsel for *amici* LeXpunK ([smoniz@brownrudnick.com](mailto:smoniz@brownrudnick.com), [spalley@brownrudnick.com](mailto:spalley@brownrudnick.com), [ag@agolubitsky.com](mailto:ag@agolubitsky.com)), DeFi Education Fund ([oswell@sullcrom.com](mailto:oswell@sullcrom.com), [ostragerae@sullcrom.com](mailto:ostragerae@sullcrom.com), [mcdonaldj@sullcrom.com](mailto:mcdonaldj@sullcrom.com), [richardsond@sullcrom.com](mailto:richardsond@sullcrom.com)), and Paradigm ([rodrigo@paradigm.xyz](mailto:rodrigo@paradigm.xyz), [etung@jonesday.com](mailto:etung@jonesday.com), [jburnham@jonesday.com](mailto:jburnham@jonesday.com), [jsterling@jonesday.com](mailto:jsterling@jonesday.com), [ihanna@jonesday.com](mailto:ihanna@jonesday.com)), and proposed *amicus* Andreessen Horowitz ([douglas.yatter@lw.com](mailto:douglas.yatter@lw.com), [benjamin.naftalis@lw.com](mailto:benjamin.naftalis@lw.com), [samir.deger-sen@lw.com](mailto:samir.deger-sen@lw.com), [matt.rawlinson@lw.com](mailto:matt.rawlinson@lw.com)).

/s/ Anthony C. Biagioli  
Counsel for Plaintiff